IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 25023 of 2007(D)

PETITIONER:

P.V. MATHAI,S/O. VARGHESE,
THOTTUNGAL HOUSE,
KUMBALAM P.O.,
ERNAKULAM DISTRICT
(ASST. STORE KEEPER-RETIRED ,K,S,R,T,C PUNALUR)

BY ADV. SRI.K.P.JUSTINE

RESPONDENTS:

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1. THE KERALA STATE ROAD TRANSPORT
CORPORATION REPRESENTED BY ITS MANAGING DIRECTOR,
TRANSPORT BHAVAN, FOR.P.O.,
THIRUVANANTHAPURAM-23.

2. THE FINANACIAL ADVISOR AND CHIEF
ACCOUNTS OFFICER, KERALA STATE ROAD TRANSPORT
CORPORATION,TRANSPORT BHAVAN, FORT.P.O.,
THIRUVANANTHAPURAM.

3. THE ASST. ACCOUNTS OFFICER (PENSION
SECTION,
KERALA STATE ROAD TRANSPORT CORPORATION
TRANSPORT BHAVAN, FORT P.O.,
THIRUVANANTHAPURAM-23.

4. THE ASSISTANT TRANSPORT OFFICER,
K.S.R.T.C. PUNALUR.

5. THE DISTRICT TRANSPORT OFFICER,
K.S.R.T.C,ERNAKULAM.

BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J

W.P.(C). 25023/2007

Dated this the 14th day of November, 2007

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing Counsel for the K.S.R.T.C.

2. Petitioner challenges Exts.P6 and P7.

3. Petitioner retired from service on 31.7.1999. Ext.P6 show cause notice is issued on 3.4.2003. Ext.P7 is issued only on 14.9.2007. Obviously therefore, the liability of the petitioner was not fixed within a period of three years after his retirement. Even Ext.P6 show cause notice is after the period of three years. Hence the fixation of liability and recovery, if any, is unsustainable in view of Rule 3 of KSR, Part-III, which applies to K.S.R.T.C employees also.

4. In the result, Exts.P6 and P7 are quashed to the extent they impose recoveries against the petitioner. As a consequence it is directed that all retirement benefits due

to the petitioner shall be released within an outer limit of three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

THOTTATHIL B. RADHAKRISHNAN
Judge

mrcs